IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 15524 of 2004(W)

PETITIONER:

K.BALAIRISHNAN ASARI,
MURUKA BHAVAN, THAVALAYILLAKULAM,
PARASSALA P.O., TRIVANDRUM,
COACH BUILDER, K.S.R.T.C.

BY ADV. SRI.C.P.SUDHAKARA PRASAD (SR.)
SRI.ELVIN PETER P.J.

RESPONDENTS:
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1. THE KERALA STATE ROAD TRANSPORT CORPORATION, REPRESENTED BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN, TRIVANDRUM.

2. THE WORKS MANAGER, CENTRAL WORKS WORKSHOP, K.S.R.T.C., PAPPANAMCODE.

3. THE ASSISTANT PERSONNEL OFFICER (P), K.S.R.T.C., TRANSPORT BHAVAN, TRIVANDRUM.

BY ADV. SRI.JAMES KOSHY.N., SC. KSRTC
SRI.P.PARAMESWARAN NAIR, SC, KSRTC
SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO. 15524/2004

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF ORDER NO. R.DIS. PLB 2/66741/93 DATED 5.4.1994 ISUSED BY THE 1ST RESPONDENT.

EXT.P2: COPY OF ORDER NO. P.A. A.19/6549/98/L.DIS. DATED 22.3.2004 ISSUED BY THE 3RD RESPONDENT.

RESPONDENTS EXHIBITS:

EXT.R1(A): COPY OF THE REPRESENTATION DATED 30.12.2003

EXT.R1(B): COPY OF THE CHEQUE FORWARDING LETTER.

EXT.R1(C): COPY OF THE SPECIMEN SIGNATURE OF THE PETITIONER

EXT.R1(D): COPY OF THE LETTER DATED 22.1.2004

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 15524 of 2004

Dated this day 11th of January, 2007

JUDGMENT

The issue which has raised seriously in this writ petition is whether a sum of Rs.31,931/- by way of Commutted Value of Pension mentioned in Ext.P2 has been actually received by the petitioner. While the KSRTC states in Ext.P2 that the amount was paid to the petitioner by Cheque No. 09690 dated 2.1.1987, the petitioner asserts that the payment has not been received by him. The petitioner has a further case that the amounts due to him by way of Provident Fund also has not been paid to him. The petitioner believes that some officer in the KSRTC itself could have misappropriated the amounts which were payable to the petitioner. The prayer in the writ petitioner is for a direction to the KSRTC to conduct an investigation and enquiry into the alleged misappropriation of the Commutted Value of Pension and Provident Fund of the petitioner.

2. A counter affidavit has been submitted by the KSRTC

asserting that both the Commutted Value of Pension as well as Provident Fund have been paid to the petitioner by way of separate cheques. The KSRTC highlights in their counter affidavit that till seven years after the cheques were issued to the petitioner that the petitioner has not raised any complaint at all regarding the non receipt of the amounts towards Commutted Value of Pension and Provident Fund. Exts.R1(b), R1(c) and R1 (d) are relied on in this connection by the KSRTC.

3. The petitioner has filed reply affidavit reiterating his stand in the writ petition. The petitioner continuously asserts that his apparent signatures seen on Exts.R1 (b) and (c) are forged signatures.

4. Even though I do not find any reason to doubt the correctness of the stand taken by the KSRTC through their counter affidavit, in view of the grievance which is being voiced continuously by the petitioner that he is yet to receive his retiral benefits, this writ petition of with the following directions:

The respondent will conduct an enquiry into the alleged

misappropriation of the Commutted Value of Pension and Provident Fund amount due to the petitioner through an agency of their choice and inform the result of investigation to the petitioner. Needful action will be initiated by the respondents under intimation to the petitioner within two months of receiving a copy of this judgment.

PIUS C.KURIAKOSE
Judge

dpk